

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6595

BILL NUMBER: HB 1054

NOTE PREPARED: Dec 8, 2004

BILL AMENDED:

SUBJECT: Notice of Underground Storage Tank Leaks.

FIRST AUTHOR: Rep. Ulmer

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires notification to nearby property owners of a release or potential release of a contaminant from an underground storage tank system.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: This bill requires an owner of a leaking underground petroleum storage tank to send notification of the leak to the owners of real property located within 1/4 mile radius of the leaking tank. A person who violates this provision is subject to a maximum \$10,000 civil penalty. Any penalty collected under this provision would be deposited in the Underground Petroleum Storage Tank Trust Fund, which at the end of FY 2004 consisted of \$916,429.

Court Fee Revenue: If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100

filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: IDEM.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: Indiana Auditor of State, *Budget Revenue Trial Balance, 2004*.

Fiscal Analyst: Valerie Ruda, 317-232-9867.